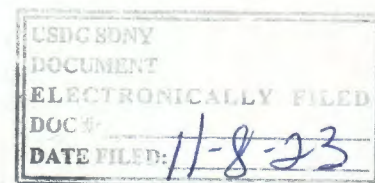


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA



-against-

20-cr-373 (LAK)

NZELO OKAFOR,

Defendant.
----- X

ORDER DENYING COMPASSIONATE RELEASE

LEWIS A. KAPLAN, *District Judge.*

Defendant's motion for compassionate release (Dkt 47) is denied.

First, defendant has not established that he has exhausted his administrative remedies.

Second, even assuming that he had established "extraordinary and compelling reasons" and that he need not satisfy USSG § 1B1.13,¹ neither of which I need decide, this defendant, if released, would be a danger to the community and release would not be warranted by the Section 3553(a) factors, both for substantially the reasons set forth in the government's opposition. Dkt 50, at 7-8.

SO ORDERED.

Dated: November 8, 2023



Lewis A. Kaplan
United States District Judge

In light of the amendment effective November 1, 2023 to § 1B1.13, the government maintains that it now is binding notwithstanding *United States v. Brooking*, 976 F.3d 228 (2d Cir. 2020). As noted, there is no need to decide that in this case.